

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )

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Reorganization and Revision of )

Parts 1, 2, 21, and 94 of the )

Rules to Establish a New )

Part 101 Governing Terrestrial )

Microwave Fixed Radio Services )

WT Docket No. 94-148

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**NYNEX COMMENTS**

NYNEX Corporation ("NYNEX") hereby comments on the Commission's  
December 28, 1994 Notice of Proposed Rulemaking ("NPRM").

**I. INTRODUCTION**

In the NPRM, the Commission seeks comments on its proposal to simplify and consolidate its rules regarding the filing, processing, operational and technical requirements for common carrier microwave services and private operational fixed microwave services. NYNEX supports the proposed rules with certain minor modifications.

**II. THE PROPOSED APPLICATION RULES SHOULD BE ADOPTED**

NYNEX agrees with the Commission's proposal to eliminate several showings that are currently required of common carrier microwave applicants under Part 21 of the rules, but which are not essential for processing these applications. These showings include the financial showing required under Sections 21.13(a)(2) and 21.17, the public interest showing required under Section 21.13(a)(4), and the requirement of Section 21.13(f) that applicants submit copies of any franchise or authorizations required by local

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law.<sup>1</sup> As the Commission notes, a certification of financial ability is unnecessary since lack of financing has generally not been a problem in the common carrier services being transferred to the newly-proposed Part 101. Similarly, a separate public interest showing is unnecessary. So long as the service applications meet the Commission's rules and requirements, the public interest showing should be deemed to have been met. Finally, NYNEX agrees with the Commission that instead of submitting copies of franchises, applicants should simply be required to comply with all franchise or local authorization requirements and notify the Commission if local authorization is denied.<sup>2</sup>

NYNEX also supports the Commission's proposal to eliminate showings regarding station control and maintenance procedures.<sup>3</sup> The Commission can obviate the need for individual showings by simply adopting a general rule describing the licensee's responsibilities for maintenance and control of the station. NYNEX also agrees that the maintenance contract should be in writing if the licensee contracts with an outside vendor for maintenance.

In order to further streamline the application process, NYNEX also recommends that the Commission eliminate the requirement for a licensee to file Form 494A. Today, licensees must file Form 494A to notify the Commission that construction of the licensed facility has been completed. The Commission then issues a public notice listing this application.<sup>4</sup> Since Form 494A can not be used to modify information contained in the

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<sup>1</sup> NPRM at ¶ 11.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> This process can also create confusion for licensees because the file number associated with Form 494 is not assigned to the subsequent Form 494A.

licensee's Form 494 and public notice has already been issued for the original Form 494 application and any subsequent modifications, the information contained on Form 494A and the public notice of its filing is redundant and unnecessary. Therefore, the Commission should only require the licensee to submit a letter of notification certifying completion of construction and activation of the facility.

NYNEX also supports the Commission's proposal to extend the time for consummation of assignments and transfers from 45 days to 360 days.<sup>5</sup> Experience demonstrates that applicants often require more than 45 days to consummate their transactions. The proposed rule will minimize the need to make requests for extension of time.

The Commission should not adopt its proposal to eliminate the requirement that licensees notify the Commission within 10 days of consummation of license assignments and transfers. Without such notification, the Commission may not be able to maintain accurate records on licensees. Instead, the Commission should extend the time for giving notice of the consummation from 10 to 30 days.

### **III. THE COMMISSION SHOULD ADOPT THE PROPOSED TECHNICAL STANDARDS RULES**

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The Commission proposes to modify the present coordination procedures and interference protection standards to be consistent with the TIA industry standards.<sup>6</sup>

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<sup>5</sup> NPRM at ¶ 12.

<sup>6</sup> NPRM at ¶ 16.

NYNEX supports this proposal. Development of interference protection standards is best left to the industry and has worked well in the past.<sup>7</sup>

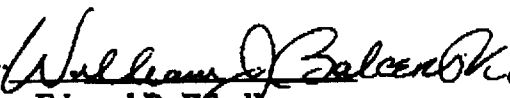
NYNEX also supports the Commission's proposal to increase the transmitter power limitations as a well-balanced approach. Higher power limits will allow carriers to provide a higher quality of service to end users while retaining a maximum Equivalent Isotropic Radiated Power (EIRP) of +55 dBW will ensure that radio users remain protected from interference.

#### IV. CONCLUSION

As modified herein, the Commission should adopt the rules proposed in the NPRM.

Respectfully submitted,

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<sup>7</sup> For example, the industry developed joint interference standards in response to the Commission's decision to allow common carriers to use private bandwidth.